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EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1711

NOTIFICATION DATE	DELIVERY MODE
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02/07/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Response to Arguments

1. Applicant's arguments filed 1/25/11 have been fully considered but they are not persuasive.

2. In regards to claims 11 and 21, Favaro teaches program controller 9, the first limitation of said claims. Favaro goes on to disclose an optical display device having means for producing a light beam 5 which can be an LED. This light is directed onto a display surface 11, in the form of a window, which is viewable by the user. Thus, Favaro teaches the second limitation of said claims. Favaro also teaches a color filter 12 arranged between the light source 5 and the window 11. Thus, the filter is located behind the display surface relative to the beam path of light. Favaro discloses each and every limitation of said claims. Therefore, the rejection under 35 USC 102(b) is maintained.

3. Examiner maintains that fiber optical cable reads on the claimed light-shaft. Based on the applicant's disclosure, the examiner has no reason to believe that the light-shaft is anything more than short fiber optic cable, as it possesses the same features of fiber optic cable – directly and reflecting light toward a display surface. If the shape of the cable or "shaft" is unique, then the applicant should present evidence of unexpected or unpredictable results. Otherwise, examiner reminds the applicant that: Changes in shape or form have been held to be obvious. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966).

4. Lastly, there appears to be some confusion on the location of the filter discs. The examiner interprets the location of Favaro's filter disc as "behind" the display surface, as

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the surface is the front of the machine. But even if the applicant insists that "behind" means on the exterior of the display surface, such a feature is not considered to be patentable. One of ordinary skill realizes that placing a color filter at the exterior surface of a display will produce the function of further modulating the perceived color of the light. Absent a showing of unexpected or unpredictable results, such a modification is considered to be unpatentable, especially in view of the current state of the art of Favaro and the other cited references.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 11, 14, 18-20 rejected under 35 U.S.C. 102(b) as being anticipated by Favaro (EP 1332708). Favaro discloses a display panel for a home appliance containing program control, including dishwashers. The device includes a lamp 5 which can be an LED (col 3 line 20 - 25). Also disclosed is a light conducting means in for the form of a fiber optic cable 7 readable on light shaft. The lamp is oriented to focus the light and reflect it towards a transparent display surface 11. Located in between the lamp and the surface is an automatic color filter 12, capable of selecting various sections 15 by a motor 12. Thus, the subject matter of claims 11, 14, 18-20 are fully anticipated by Favaro.

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7. Claim 11, 14-16 rejected under 35 U.S.C. 102(b) as being anticipated by Kawaguchi (US 5,243,453). Kawaguchi discloses a control panel for washing machines, of which dishwashers are a subset, comprising automatic program control. The panel includes a liquid crystal display board 15, a light source 80, and a color filter 77 disposed therebetween. Glass substrate 69 and polarizing plates 78 read on a transparent surface. The liquid crystal display includes a number of segments having transparency and electrodes that can have voltages applied across them (see figure 14). This is conventional LCD functionality. The LCD is controlled in an electronic manner.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Favaro in view of the admitted state of the art (ASA) OR Nonogaki (US 5,279,134). Favaro teaches an automatically exchangeable color filter disk, but does not disclose an additional non-exchangeable color filter. The inclusion of a such a device is not considered to be patentable. As stated in the admitted state of the art, the prior art required different light means for the reproduction of different colors. Thus, it is understood that the prior art used multiple lamps with non-exchangeable color filters to represent different colors. Many elements read on color filter such as colored bulbs or

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sheets of colored plastic or glass, which are conventional in the art for providing colored light. Also, Nonogaki discloses a display portion with a singular portion 7 that is individually colored, as opposed to exchangeable. Non-exchangeable filters as well as exchangeable color filters are considered to be conventional. Including an additional filter requires nothing more than routine skill and provides the predictable result of filtering color. Duplication of parts was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). It would have been obvious at the time of invention to modify Favaro and include an additional color filter that is stationary, as is known in the prior art and provides expected results.

10. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Favaro in view of Detterbeck (UK 2186109). Favaro discloses the exchangeable color filter and display surface, but does not disclose a mask. Detterbeck discloses an exchangeable mask system for creating symbols on a control panel (see abstract). It would have been obvious at the time of invention to modify Favaro and include an exchangeable mask system, as taught by Detterbeck, with the predictable result of creating symbols on a control panel.

11. Claim 21-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Favaro. Favaro discloses a display panel for a home appliance containing program control, including dishwashers. The device includes a lamp 5 which can be an LED (col 3 line 20 - 25). Also disclosed is a light conducting means in for the form of a fiber optic cable 7 readable on light shaft. The lamp is oriented to focus the light and reflect it towards a

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transparent display surface 11. Located in between the lamp and the surface is an automatic color filter 12, capable of selecting various sections 15 by a motor 12. Favaro does not teach locating a color filter outside of the window. However, duplication of parts was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). Rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 70 (CCPA 1955). Including a second filter disc is nothing more than a duplication of a previously disclosed part, which continues to perform its intended function - modifying color. Furthermore, locating it downstream of the window continues to perform its intended function - modifying color. Absent a showing of unexpected or unpredictable results, such modifications are considered to be routine and well within the skill of one practicing the art. It would have been obvious to one of ordinary skill at the time of invention to modify Favaro, and include multiple color filters, as they are routinely used to modify the color of the light output.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1711

JMH